

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

WEDNESDAY, THE 17TH OCTOBER 2007 / 25TH ASWINA 1929

WP(C).No. 5381 of 2007(N)

PETITIONER:

1. ALICE KURUVILA, W/O.M.I.KURUVILA THE LATE
MANGALY HOUSE, DHONI P.O., PALAKKAD DISTRICT.
2. DENNIS, W/O.M.I.JOE, MANGALY HOUSE,
KALLEKULANGARA P.O., PALAKKAD-9.
3. ELAMMA, W/O.ANTONY, MANGALY HOUSE,
KALPATHY P.O., PALAKKAD-2.

BY ADV. SRI.P.J.MATHEW

RESPONDENTS:

1. THE STATE OF KERALA REPRESENTED BY THE
SECRETARY TO GOVERNMENT, REVENUE DEPARTMENT,
GOVT.SECRETARIT, THIRUVANANTHAPURAM.
2. THE DISTRICT COLLECTOR, PALAKKAD.
3. THE TAHSILDAR, TALUK OFFICE, PALAKKAD.
4. THE VILLAGE OFFICER, YAKKARA, PALAKKAD
DISTRICT.
5. THE GEOLOGIST, MINING AND GEOLOGY OFFICE,
TOWN BUS STAND BUILDING, PALAKKAD.

BY GOVT. PLEADEER SHRI. M.R.SABU

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 17/10/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXTS:

EXT.P1: TRUE COPY OF THE LAND RECEIPT DT. 28.11.2006 ISSUED BY THE VILLAGE OFFICER, YAKKARA TO THE 1ST PETITIONER

EXT.P2: -DO- OF THE LAND RECEIPT DT. 28.11.2006 ISSUED BY THE VILLAGE OFFICER, YAKKARA TO THE 2ND PETITIONER

EXT.P3: -DO- OF THE LAND RECEIPT DT. 28.11.2006 ISSUED BY THE VILLAGE OFFICER, YAKKARA TO THE 3RD PETITIONER

EXT.P4: -DO- OF THE POSSESSION CERTIFICATE ISSUED BY THE 4TH RESPONDENT TO THE 2ND PETITIONER DT. 28.11.2006

EXT.P5: -DO- ISSUED BY THE 4TH RRESPONDENT TO THE 2ND PETITIONER DT. 28.11.2006

EXT.P6: -DO- ISSUED BY THE 4TH RESPONDENT TO THE 3RD PETITIONER DT. 28.11.2006

EXT.P7: -DO- OF THE APPLICATION DT. 28.11.2006 FILED BY THE 1ST PETITIONER BEFORE THE VILLAGE OFFICER, PALAKKAD

EXT.P8: -DO- OF THE APPLICATION DT. 28.11.2006 FILED BY THE 2ND PETITIONER BEFORE THE VILLAGE OFFICER, PALAKKAD

EXT.P9: -DO- OF THE APPLICATION DT. 28.11.2006 FILED BY THE 3RD PETITIONER BEFORE THE VILLAGE OFFICER, PALAKKAD

EXT.P10: -DO- OF THE CIRCULAR DT. 15.12.2006 ISSUED BY THE 3RD RESPONDENT

EXT.P11: -DO- OF THE LETTER DT. 1.1.2007 OF THE 3RD RESPONDENT TO THE 5TH RESPONDENT

EXT.P12: -DO- OF THE LETTER DT. 5.1.2007 OF THE 4TH RESPONDENT TO THE 5TH RESPONDENT

EXT.P13: -DO- OF THE LETTER DT. 23.1.2007 ISSUED BY THE 4TH RESPONDENT

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/TRUE COPY/

P.S. TO JUDGE

ANTONY DOMINIC, J.

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W.P.(C) No. 5381 OF 2007 N
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Dated this the 17th October, 2007

J U D G M E N T

Exts. P7, P8 and P9 are the applications made by the petitioners for issuance of possession certificate, in respect of the land in their possession. It is contended by the learned counsel for the writ petitioner that on the basis of Exts. P11, P12 and P13, it has been directed that the possession certificate shall be issued only with the permission of the Geologist, Mining & Geology Department and therefore certificate has not been issued to them.

2. When an application for possession certificate is made, I see no relevance of a permission from the Mining & Geology Office. If on receipt of an application the Tahsildar concerned comes to a finding that the applicant is in possession of the land in question, nothing can stand in the way of that officer issuing such a certificate. If on the strength of the possession certificate any application is made to the

Mining and Geology Department it is open to them to make independent enquiry but that cannot be a reason for delaying the possession certificate to be issued by the Tahsildar.

3. Therefore, I dispose of this writ petition directing respondents 3 and 4 to consider Exts. P7, P8 and P9 applications made by the petitioners for issuance of possession certificate and pass orders thereon. On such enquiry if they are found to be eligible the certificate shall be issued without delay. The process shall be completed within a period of two months from the date of receipt of a copy of this judgment.

**ANTONY DOMINIC
JUDGE**

jan/-